

REMARKS

Claims 1-11 are presented for consideration, with Claims 1 and 10 being independent.

Independent Claims 1 and 10 have been amended to better set forth Applicants' invention. In addition, editorial changes have been made to selected claims.

Initially, Claims 6-9 were objected to for being in improper multiple dependent claim form. These claims have been amended as shown above in response to the objection, and consideration of Claims 6-9 is therefore respectfully requested.

Claims 1-5, 10 and 11 stand rejected under 35 U.S.C. §102(e) as being anticipated by Kitano '402. This rejection is respectfully traversed.

Claim 1 of Applicants' invention relates to an electrophoretic display device comprised of a first substrate and a second substrate which are disposed with a spacing therebetween, a partition wall disposed in the spacing, and electrophoretic particles sealed in a closed space, defined by the first and second substrates and the partition wall. In addition, a first electrode is disposed at a side surface of the closed space, and a second electrode is disposed at a bottom surface of the closed space. As amended, Claim 1 recites that distribution of the electrophoretic particles in the closed cell is changed according to a voltage between the first and second electrodes to effect display. As recited, the first electrode has an area substantially equal to or larger than an area of the second electrode.

In accordance with Applicants' claimed invention, a high performance display device can be provided.

Kitano relates to an image display panel in which positively charged particles a8 and negatively charged particles a7 are disposed inside a closed space. The Office Action asserts that electrode a5 and electrode a6 comprise a “first electrode” disposed on a side surface, and electrode a4 comprises a “second electrode” disposed on a bottom surface of the closed space.

In contrast to Applicants’ claimed invention, it is respectfully submitted that Kitano fails to teach or suggest, among other features, a first electrode having an area substantially equal to or larger than an area of the second electrode. Although the Office Action asserts that this feature is met by the first and second electrodes in Kitano, this assertion is respectfully traversed. As shown in Figures 2(b) and 2(c), the array of positively charged particles a8 and negatively charged particles a7 within the closed space are bunched in layers, suggesting that the first electrode has an area substantially less than the second electrode. Accordingly, reconsideration and withdrawal of the rejection of the claims under 35 U.S.C. §102 is deemed to be in order and such action is respectfully requested.

Accordingly, it is submitted that Applicants’ invention as set forth in independent Claims 1 and 10 is patentable over the cited art. In addition, dependent Claims 2-9 and 11 set forth additional features of Applicants’ invention. Independent consideration of the dependent claims is respectfully requested.

In view of the foregoing, reconsideration and allowance of this application is deemed to be in order and such action is respectfully requested.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

/Scott D. Malpede/

Scott D. Malpede
Attorney for Applicants
Registration No. 32,533

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200

SDM/rnm

FCHS_WS 1871548v1